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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/657,079	09/09/2003	David Alexander	IMMR-IMD0002C(034701-067)	9176
60140	7590	11/28/2008	EXAMINER	
IMMERSION - NIXON PEABODY LLP 200 Page Mill Road Palo Alto, CA 94306			MUSSELMAN, TIMOTHY A	
ART UNIT	PAPER NUMBER	3715		
MAIL DATE	DELIVERY MODE			
11/28/2008			PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/657,079	<b>Applicant(s)</b> ALEXANDER ET AL.
	<b>Examiner</b> TIMOTHY MUSSELMAN	<b>Art Unit</b> 3715

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If no period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 25 July 2008.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 12-24, 26-28, 30, 31 and 33 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) 19-24, 26-28, 30, 31 and 33 is/are allowed.
- 6) Claim(s) 12-18 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 

Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)
 

Paper No(s)/Mail Date \_\_\_\_\_
- 5) Notice of Informal Patent Application
- 6) Other: \_\_\_\_\_

## DETAILED ACTION

### ***Status of Claims***

In response to the amendment filed 7/25/2008, claims 12-24, 26-28, 30-31, and 33 are pending in this application.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of the relevant portion of 35 U.S.C. 103 that forms the basis for the rejections made in this section of the office action;

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

**Claims 12-18 are rejected under 35 U.S.C. 103(a) as being obvious over the combination of Bailey (US 5,800,179) and Humes et al. (US 1,889,330).**

**Regarding claims 12-13,** Bailey discloses a capture mechanism configured to engage a peripheral device, and a sensing assembly to detect movement of the peripheral device while engaged. See col. 5: 25-35. Bailey further discloses wherein the system provides force feedback to the user to either enhance or resist motion of the peripheral device based upon the detected movement of the peripheral device based upon the detected movement of the peripheral device. See col. 3: 65-68. Bailey fails to disclose any details pertaining to the clamping apparatus. Thus, one of ordinary skill in the art would have been motivated to consider systems directed towards quick and convenient clamping of peripheral objects. Hume discloses a device for a screwdriver which automatically grasps and retains the screw (i.e peripheral device) with a plurality of jaws, the jaws actuated by a lever device (sleeve) which is actuated in response to relative movement of the device as the screw is being inserted. See page 1, col. 1: 43-46,

and also page 2, col. 2: 1-14. It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize this type of clamping mechanism in the system of Bailey in order to improve the device using clamping mechanisms known in the art as taught by Humes, to allow for the quick connection of various surgical tools.

**Regarding claim 14,** Humes discloses a dimension-adjusting capture mechanism including an outer tubular member and an inner-tubular member at least partially disposed within the outer-tubular member for adjusting the capture mechanism and the inner tubular-member being coupled to the sensing assembly at a distal end of the inner tubular-member. The use of a clamping mechanism of the type disclosed by Humes would have been obvious for the reasons set forth above with regard to claim 12.

**Regarding claims 15-18,** Bailey discloses an apparatus comprising a first and second pulley, a belt disposed about the first and the second pulley, a trolley configured to move along a guide rail in response to a corresponding movement of the peripheral device when engaged by the capture mechanism (claims 15-18), a rotation-motion sensor to measure rotation of the peripheral device and a translational-motion device to measure translational-motion when engaged by the capture mechanism (claims 16-18), the translational-motion sensor being coupled to the first pulley (claim 17), or an actuator coupled to a second pulley with the actuator being configured to apply force-feedback by controlling a rotation of the second pulley (claim 18). However, Bailey teaches an apparatus comprising a first and second pulley, a belt disposed about the first and the second pulley, a trolley configured to move along a guide rail in response to corresponding movement of the peripheral device when engaged by the capture mechanism, a rotation-motion sensor to measure rotation of the peripheral device and a translational- motion device to measure translational-motion when engaged by the capture mechanism, the translational-motion sensor being coupled to the first pulley (Fig 3), or an actuator coupled to a second pulley with the actuator being

configured to apply force-feedback by controlling a rotation of the second pulley (Figs 2 and 3). See col. 5: 25-35 and also figs 2 and 3.

***Allowable Subject Matter***

Claims 19-24, 26-28, 30-31, and 33 remain allowed as previously indicated.

***Response to Arguments***

Applicant's arguments dated 7/25/2008 have been fully considered, but are moot in view of the new grounds of rejection.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY MUSSELMAN whose telephone number is (571)272-1814. The examiner can normally be reached on Mon-Thu 6:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Xuan Thai can be reached on (571)272-7147. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. M./  
Examiner of Art Unit 3715

/XUAN M. THAI/  
Supervisory Patent Examiner, Art Unit 3715